United Nations S/2006/56

Security Council

Distr.: General
30 January 2006
English
Original: French

Draft resolution

The Security Council,

Recalling its previous resolutions concerning the Democratic Republic of the Congo, in particular resolutions 1616 of 29 July 2005 and 1649 of 21 December 2005,

Declaring its determination to closely monitor compliance with the arms embargo imposed by resolution 1493 and expanded by resolution 1596, and to enforce the measures provided for in paragraphs 13 and 15 of resolution 1596 against persons and entities acting in violation of this embargo,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the Secretary-General, in consultation with the Committee established in accordance with paragraph 8 of resolution 1533, to re-establish the Group of Experts referred to in paragraph 10 of resolution 1533 and paragraph 21 of resolution 1596, within thirty days from the date of adoption of this resolution and for a period expiring on 31 July 2006;

2. *Requests* the Group of Experts to continue fulfilling its mandate as defined in resolutions 1533, 1596 and 1649, to update the Committee on its work by 10 April 2006, and to report to the Council in writing, through the Committee, before 10 July 2006;

3. *Reaffirms its demand* that all parties and all States cooperate fully with the work of the Group of Experts, and that they ensure:

– the safety of their members;

– unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

4. *Decides* to remain seized of the matter.

06-22916 (E) 310106

United Nations S/2006/57

Security Council

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31 January 2006

Original: English

Denmark, France, Greece, Slovakia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, including resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1614 (2005) of 29 July 2005 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

Recalling also the letter from its President to the Secretary-General of 18 May 2001 (S/2001/500),

Recalling further the Secretary-General's conclusion that, as of 16 June 2000, Israel has withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460), as well as the Secretary-General's conclusion that the United Nations Interim Force in Lebanon (UNIFIL) has essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

Reaffirming that the Council has recognized the Blue Line as valid for the purpose of confirming Israel's withdrawal pursuant to resolution 425 (1978) and that the Blue Line must be respected in its entirety,

Gravely concerned at the persistence of tension and violence along the Blue Line, including the hostilities initiated by Hizbullah on 21 November 2005 and those triggered by the firing of rockets from Lebanon into Israel on 27 December 2005, which demonstrated once more that the situation remains volatile and fragile and underlined yet again the urgent need for the Lebanese Government to fully extend its authority and exert control and monopoly over the use of force throughout its territory, as outlined in the Secretary-General's report of 18 January 2006 (S/2006/26), and concerned also by the continuing Israeli violations of Lebanese air space,

Recalling its resolution 1308 (2000) of 17 July 2000,

Recalling also its resolution 1325 (2000) of 31 October 2000,

Recalling further the relevant principles contained in the Convention on the safety of United Nations and associated personnel adopted on 9 December 1994,

06-22892 (E) 310106

Responding to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of six months presented in the letter from its Chargé d'affaires to the United Nations of 9 January 2006 to the Secretary-General (S/2006/15),

1. *Endorses* the report of the Secretary-General on UNIFIL of 18 January 2006 (S/2006/26);

2. *Decides* to extend the present mandate until 31 July 2006, while emphasizing the interim nature of UNIFIL and looking forward to the early fulfilment of its mandate;

3. *Reiterates* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and under the sole and exclusive authority of the Government of Lebanon;

4. *Condemns* all acts of violence, including the latest serious incidents across the Blue Line initiated from the Lebanese side that have resulted in deaths and injuries on both sides, expresses great concern about the serious breaches and the sea, land and the continuing aforementioned air violations of the withdrawal line, and urges the parties to put an end to these violations, to refrain from any act of provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel;

5. *Reiterates* its call on the parties to continue to fulfil the commitments they have given to respect fully the entire withdrawal line identified by the United Nations, as set out in the Secretary-General's report of 16 June 2000 (S/2000/590) and to exercise utmost restraint;

6. *Reiterates* its call upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the South;

7. *Welcomes* the steps undertaken recently by the Lebanese Government to strengthen the liaison between its armed forces and UNIFIL, including the establishment of a Lebanese Armed Forces liaison office at UNIFIL headquarters in Naqoura, the appointment of liaison officers to UNIFIL field battalions, and the appointment of a new government coordinator with UNIFIL, and acknowledges the firm intention of the Lebanese Government to preserve the security and, to that end, to reinforce the presence of its armed forces in the southern region and to coordinate their activities with UNIFIL;

8. *Urges* nevertheless the Lebanese Government to do more to assert its authority in the South, to exert control and monopoly over the use of force and to maintain law and order on its entire territory and to prevent attacks from Lebanon across the Blue Line, including through deploying additional numbers of Lebanese Armed Forces and Internal Security Forces and taking up UNIFIL's proposals to enhance coordination between those forces and UNIFIL on the ground and establishing a Joint Planning Cell, as recommended by the Secretary-General in his report;

9. *Requests* the Secretary-General to continue to work with the Lebanese Government to reinforce its authority in the South, and in particular to facilitate the early implementation of the measures contained in paragraph 8 above;

10. *Supports* the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line consistent with its remaining task, while stressing the primary responsibility of the parties in this regard and encourages the Force to focus also on assisting the Lebanese Government to assert its authority in the South;

11. *Welcomes* the continued contribution of UNIFIL to operational mine clearance, encourages further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/unexploded ordnances threat in the South, commends donor countries for supporting these efforts through financial and in kind contributions, and encourages further international contributions, and stresses the necessity for provision to the Government of Lebanon and UNIFIL any additional existing maps and minefield records;

12. *Calls* on the parties to ensure UNIFIL is accorded full freedom of movement throughout its area of operation as outlined in the Secretary-General's report, requests UNIFIL to report any obstruction it may face in the discharge of its mandate, and reiterates its call on the parties to cooperate fully with the United Nations and UNIFIL;

13. *Welcomes* the efforts being undertaken by UNIFIL to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

14. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of this resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of UNIFIL and the tasks presently carried out by the United Nations Truce Supervision Organization (UNTSO), and to include in the report an assessment of the progress made by the Government of Lebanon towards extending its sole and effective authority throughout the South;

15. *Expresses* its intention to keep the mandate and structures of UNIFIL under regular review, taking into account the prevailing situation on the ground, the activities actually performed by the force in its area of operation, its contribution towards the remaining task of restoring international peace and security, the views of the Lebanese Government and the measures it has taken to fully extend its authority in the South as well as the implications these measures may have, in order to adjust the force to its mission;

16. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

United Nations S/2006/58

Security Council

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30 January 2006

Original: English

France, Germany, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its relevant resolutions on the issue and in particular resolution 1615 (2005) of 29 July 2005,

Taking note of the scheduled meeting of the Group of Friends of the Secretary-General on Georgia in Geneva on 2 and 3 February 2006,

1. *Decides* to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 March 2006;

2. *Decides* to remain actively seized of the matter.

06-22926 (E) 310106

United Nations S/2006/59

Security Council

Distr.: General
30 January 2006

Original: English

Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). The report also reflects developments from the first half of January 2006.

II. Insecurity in Darfur

2. December witnessed a continuation of very high levels of violence and insecurity in Darfur, including banditry, the new round of militia attacks on villages and camps for internally displaced persons, intensive Government combat operations and the deliberate destruction of significant areas of farmland. In addition, the rapid deterioration of the situation along the Chad-Sudan border and concern about a possible conflict between those two neighbouring countries have further exacerbated the climate of insecurity.

3. During the reporting period, both the Sudan Liberation Movement/Army (SLM/A) and the Government seriously flouted the ceasefire agreements they had signed. On 3 December, armed militia attacked the SLA at Um Kunya, south of Nyala, as a result of which as many as 11 civilians were reported killed and up to 7,500 people were displaced. On 4 December, in an apparent retaliation for the Um Kunya attack, SLA forces attacked the garrison of the Sudanese Armed Forces at Donkey Dereaisa, while Sudanese Armed Forces attacked SLA positions in the Masteri area, south-west of Geneina. Heavy fighting was reported and clashes continued over a three-day period, forcing the relocation from the area of staff of non-governmental organizations (NGOs). There was also fighting between the government forces and rebels in Masteri, Kongo Haraza and Beida, together with militia attacks in the Jebel Moon, Silea and Kulbus areas.

4. Targeted, pre-meditated attacks on the African Union Mission in the Sudan (AMIS) continued over the past month. On 29 November, an AMIS patrol was attacked by unknown gunmen in the Kulbus area in Western Darfur. Five soldiers were injured in the incident. Djibril Abdul Kareem of the National Movement for Reform and Development claimed responsibility for the attack and threatened to shoot down any United Nations helicopter seen flying over the area.

06-22576 (E) 010206

5. In another serious attack, on 6 January, 10 AMIS soldiers were wounded and 1 killed in an attack in Western Darfur. Based on their own investigation, AMIS reported that responsibility for the attack rests with NMRD leader Djibril.

6. The level and intensity of inter-tribal and militia clashes have also continued to increase dangerously. On 19 December, hundreds of armed militia attacked the village of Abu Soroui, in Western Darfur, burning dozens of huts and looting livestock. A total of 19 villagers, including several women and children, were reported killed in the attack.

7. The security situation in Western Darfur is again being negatively affected by the rapidly deteriorating situation along the Chad-Sudan border. On 18 December, there were major clashes between Chadian rebel groups and the Chadian armed forces in the border town of Adre. Since then, there has been a worrying build-up of armed forces of the two States and local militias on both sides of the border. Security in the area outside Geneina has deteriorated to such a degree that United Nations operations are restricted to the town only, with almost all United Nations staff relocated to other areas where security conditions permit the execution of our programmes.

III. Human rights and protection

8. During December, unidentified armed elements continued to launch attacks on camps for internally displaced persons, while elements associated with the Sudanese Armed Forces continued to harass and intimidate displaced persons. However, measures undertaken by AMIS in recent weeks, including increased patrols in and around the camps, in conjunction with governmental efforts to reduce tensions, have led to a decrease in incidents in some locations, including at the Kalma camp, in Southern Darfur.

9. Also at Kalma on 15 December, the Government lifted the commercial blockade that was imposed on the camp more than six months ago. The blockade, which had prevented the flow of critical goods and materials into the camp, constituted a serious violation of international human rights and humanitarian law, and led to a dramatic increase in tensions and violence there. The lifting of the ban, combined with the more regular AMIS presence in the camp, has significantly reduced the number of security incidents reported from Kalma.

10. Reports of the use of children in armed conflict continue to be a source of grave concern. Hundreds of boys went missing after fighting in the villages around Gereida, in Southern Darfur. Their families affirm that the boys had joined an armed militia set up to protect displaced Massalit people from further attack. I call upon all those who recruit children into armed groups in Darfur to immediately cease this practice, release the children from their ranks and reunite them with their families.

11. Field missions and investigations conducted by United Nations human rights officers in December also revealed serious abuses against civilians in the context of major attacks by the Sudanese Armed Forces and/or armed militias. Documented violations include forced displacement, arbitrary arrest, prolonged detention, torture by national security officials and the indiscriminate use of force in military operations.

12. Members of the Zaghawa ethnic group in the Shearia area have been subjected to human rights violations by Birgit tribe members with the involvement of the military. Documented violations committed against the Zaghawa include targeted beatings, systematic looting and the closure of schools. Those actions resulted in 2,500 Zaghawa being forcibly displaced from the town into the African Union (AU) base and neighbouring villages. Eight detainees arrested in relation to the SLA attack on Shearia in September 2005 reported that they had been held for prolonged periods without charge or trial and physically abused while in the joint custody of National Security and Military Intelligence.

13. Those arrests form part of a broader pattern of harassment of the Zaghawa in Southern Darfur over the past six months. The arrests targeted wealthy Zaghawa businessmen, teachers, students and religious figures, who are frequently accused of providing support to SLA. Claims of arbitrary detention are supported by the disproportionate number of Zaghawa in custody and the fact that few investigations ever result in formal charges being brought.

14. An important means of preventing torture is by regular and unannounced visits to monitor the treatment and conditions of people in detention. Despite commitments by the Government to provide unfettered access to all detention facilities, the United Nations Mission in the Sudan (UNMIS) continues to be denied access to the majority of the detention facilities of the Military Intelligence and National Security. I urge the Government to abide by its agreement and ensure that a clear policy is communicated to the relevant authorities at the local level.

15. One positive development over the past month was the mission of the Sub-Joint Implementation Mechanism on Human Rights and Protection to Western Darfur on 18 December to investigate reports of gender-based violence by the Central Reserve Police in the Mornei camp for internally displaced persons. The mission visited the camp to examine those reports and to assess actions taken against alleged perpetrators. The delegation was also tasked to assess whether government officials in Mornei were abiding by the criminal procedures for investigating gender-based violence. The delegation consisted of government officials from the Advisory Council on Human Rights and the Ministry of the Interior, as well as representatives of UNMIS and the diplomatic community in Khartoum. However, there has been only one meeting of the Joint Implementation Mechanism itself since the formation of the Government of National Unity in September 2005.

16. Steps have also been taken to translate the national action plan to eliminate violence against women in Darfur into real improvements on the ground. The Government formally launched the action plan at the end of November 2005. Joint committees in Khartoum and the three Darfur states have been established to oversee the plan's implementation. On 10 and 11 December, UNMIS and the Government Advisory Council of Human Rights organized a workshop to commence implementation of the action plan.

IV. Humanitarian situation

17. The widespread climate of insecurity is having a significant impact on the ability of the humanitarian community to have access to people in need. Steps have been taken to continue assisting the affected populations in the face of current

constraints, including through the use of helicopters and private contractors, but such operations are costly and may be untenable over the long run.

18. During a meeting with the tribal leaders who control the routes to Kerenek and Mornei in Western Darfur, the United Nations brokered a safe passage agreement for areas east of Geneina. However, the fighting between the government forces and rebels in Masteri, Kongo Haraza and Beida, together with militia attacks in the Jebel Moon, Silea and Kulbus areas, have forced the withdrawal of all international NGOs from those areas, leaving approximately 140,000 people without assistance. Efforts were under way to airdrop food aid supplies to the area. Militia attacks on Tawilia in Northern Darfur have similarly forced international NGOs in the area to temporarily relocate their staff.

19. Throughout Darfur, banditry has affected humanitarian convoys on an almost daily basis. In Northern Darfur, a Sudan Red Crescent Society driver was killed in an apparent act of banditry. I have come to the conclusion that insecurity in Geneina and some other parts of Western Darfur has increased to such an extent that it is no longer possible for the United Nations to carry out activities there, other than life-saving work.

20. I once again commend the 14,000 aid workers who make up the humanitarian community in Darfur for their ability to deliver essential assistance to more than 3 million affected people under such difficult conditions and to respond effectively to new emergencies. As I indicated in my report on Darfur for the month of October (S/2005/719), malnutrition and mortality rates have dropped significantly since 2004. However, with the ongoing displacement of people as a result of militia attacks, the humanitarian community faces an uphill struggle. Surveys show that outlying villages and rural areas continue to suffer from high malnutrition rates, despite the fact that crops are being harvested.

21. It is regrettable that significant returns of displaced persons to their homes now seem unlikely to take place in early 2006, when preparations for the next harvest season are due to start. In the best case scenario, the almost 1.8 million internally displaced persons currently residing in camps will remain in their temporary settlements for the foreseeable future. If the violence continues, their numbers may dramatically swell over the next months.

22. I am particularly concerned by the ongoing and deliberate destruction of significant areas of cultivated land by militia and nomadic groups. On some occasions, the police have successfully intervened to stop the destruction, but I would also expect a more consistent and coherent effort on the part of government authorities to prevent and halt that type of vicious action. I was particularly appalled by the reports that militia had destroyed all water points constructed by the humanitarian community in Masteri. I can only sincerely hope that this is not the start of a new negative trend and that humanitarian achievements will be safeguarded.

V. Darfur peace process

23. Despite the strenuous efforts of the African Union Chief Mediator of the inter-Sudanese peace talks on the conflict in Darfur, Dr. Salim Ahmed Salim, the seventh round of the inter-Sudanese peace talks, which started in Abuja on 29 November

2005, has made slow progress. In the power-sharing commission, a week-long delay occurred as neither SLM/A and the Justice and Equality Movement (JEM) nor the Government were able to reach a compromise on the four key issues being discussed under item 4 of the agenda, namely: whether Darfur should become a region or remain divided into three separate states; the inclusion of a Darfurian representative in the structure of the presidency; Darfurian representation at the national capital level; and the application of the boundaries of 1 January 1956 to Darfur. After extensive consultations with both sides, the power-sharing commission resumed work on 19 December in a somewhat improved atmosphere and is continuing to debate the four issues.

24. In the wealth-sharing commission, discussions were proceeding in plenary format and some further progress was made. From the outset, the movements called for the undertaking of a joint assessment mission by both sides, with the participation of the international community, to assess the effects of the war on the ground. While it was established that this could not take place without the appropriate security conditions, the parties nevertheless agreed to call upon international partners to participate in a joint assessment mission with the least possible delay.

25. Despite concerted efforts, including by my Special Representative, to move matters forward in the commission on security arrangements, the agenda for discussion of this item was only adopted on 23 December. The AU mediation, both separately and in conjunction with international partners, has held working group sessions with the Government and the armed movements to give them an opportunity to find solutions. However, little progress has been made so far, given the failure of the parties, particularly the movements, to separate their formal negotiating position from an agreement on the substance of the agenda. There is a growing feeling that some of the protagonists are engaged in a deliberate policy of stalling in support of their belief that they can achieve a solution through military means.

26. On gender representation, a group of experts from the AU and the United Nations Development Fund for Women has been working with women delegates at the talks and has made notable progress. After consultations with all parties, several recommendations were made, including, inter alia, attaching gender experts to the three commissions to ensure inclusion of the appropriate language in the negotiating texts. Giving an additional two places for women representatives to each of the delegations at the talks is also under consideration. In the meantime, 15 women from Darfur were selected by their peers to attend the Abuja negotiations and press for advancement on issues of particular interest to women.

27. From 19 to 21 December 2005, the National Congress Party (NCP) components within the state governments of Darfur organized an all-Darfur conference, for which they issued invitations to the armed movements, Darfurians in the diaspora and Darfurians in political movements across the Sudan. However, other major political parties, including the Sudan People's Liberation Movement, boycotted the conference, citing differences in views with NCP. Internally displaced persons in the Abo-Shouk and El-Salam camps in Al Fasher also chose to boycott the conference, arguing that they were not sufficiently represented. The conference adopted a wide range of recommendations in the economic, political and social areas. In principle, I welcome the efforts to start a dialogue among all concerned

Darfurian parties, including political parties, tribes, movements and representatives of civil society, with the aim of bringing peace and development to Darfur. However, such efforts cannot be seen as a substitute for a lasting political settlement, including an agreement on security arrangements, which is to be reached in the framework of the AU-led Abuja process. As was agreed in the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed by the parties on 5 July 2005 during the fifth round of talks, a comprehensive Darfur-Darfur dialogue should follow the conclusion of a final peace agreement reached in Abuja.

VI. United Nations support to the African Union Mission in the Sudan

28. As at 6 January, AMIS had a total of 6,992 personnel in Darfur, comprised of 721 military observers, 1,320 civilian police, 58 international civilian staff, 11 Ceasefire Commission personnel and a protection force of 4,882 troops. UNMIS continued to liaise closely with AMIS, through regular contacts with the Khartoum-based head of AMIS, AMIS personnel in Darfur, and through periodic meetings between the United Nations Assistance Cell and the AU Commission in Addis Ababa.

29. From 10 to 20 December 2005, the AU Commission conducted an assessment mission of AMIS, with the participation of a wide range of partners, including Canada, Norway, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the European Union, the North Atlantic Treaty Organization, representatives of several troop-contributing countries and the United Nations. The aim of the mission was to undertake an in-depth review of the operations of the military and civilian police components of AMIS in relation to the implementation of the Mission's mandate, to evaluate the prevailing security and humanitarian situation in Darfur and to make recommendations on the way forward. Air transportation for the assessment was provided by the United Nations, as a form of assistance to AMIS. The assessment concluded that AMIS has had a positive effect on both the security and humanitarian situations in Darfur and that by taking a number of specific steps, the Mission would further increase its effectiveness.

30. The findings and recommendations of the assessment mission were subsequently reflected in the report of the AU Commission Chairperson on the situation in the Sudan (Darfur) of 12 January 2006, which was considered by the AU Peace and Security Council at its meeting on 12 January.

31. In its communiqué of 12 January, the AU Peace and Security Council expressed satisfaction with the progress made in the deployment of AMIS and noted that despite serious financial, logistical and other constraints facing the Mission, AMIS had contributed significantly to the protection of the civilian population and the improvement of the security and humanitarian situation in Darfur. The Peace and Security Council also expressed its support, in principle, to a transition from AMIS to a United Nations operation within the framework of the partnership between AU and the United Nations in the promotion of peace, security and stability in Africa, and decided to convene a meeting of the Peace and Security Council at the ministerial level, in Addis Ababa, before the end of March 2006, to review the

situation and make a final decision on the issue of the transition towards a United Nations operation in Darfur and its modalities. In the meantime, the Peace and Security Council extended the mandate of AMIS until 31 March 2006.

VII. Observations

32. Tragically, another year has come to an end without a major breakthrough in efforts to resolve the crisis in Darfur. December witnessed more violent clashes involving the Government, militia and rebel groups, as well as banditry and inter-tribal fighting. I call on the parties to the conflict in the strongest terms to respect their agreements, including on the ceasefire, and the provisions of international humanitarian law. I would like to reiterate my condemnation of the vicious attack on Abu Sorouj, in Western Darfur, on 19 December, and I again urge the Government to take immediate measures to pursue those responsible. The parties should be reminded that continued violence on the ground only compounds the climate of mistrust prevailing at the talks in Abuja.

33. The parties should reach a negotiated settlement without any further delay so that peace and reconciliation can finally come to Darfur. The alternative is that Darfur will slip back into chaos, which would force its people to endure another humanitarian catastrophe. To prevent such an unacceptable development, security must be improved immediately by working with the African Union forces. AMIS has managed to stabilize the situation in many areas of its deployment, but the African Union Mission needs logistical and financial support to be able to strengthen security on the ground. Moreover, since the long-term solution to the conflict lies at the negotiating table, the process in Abuja must urgently be energized to facilitate a political settlement. It is also critical to ensure that the Government honours its commitment and responsibility to help protect its own people and assist the humanitarian effort.

34. While all efforts should be made to reach a comprehensive settlement in Abuja at the earliest possible moment, it is clear that international involvement in Darfur will only grow more challenging. Volatility, enormous logistical constraints and a punishing environment will require that any future international presence in Darfur is enhanced, multifaceted, robust, mobile and in place for as long as required to see peace take root. The support requirements for such a presence would also be enormous. Security Council members and other Member States with appropriate military capabilities should be prepared to contribute in a major way to such an effort on the ground. Since the AU Peace and Security Council has expressed its support in principle for a transfer from AMIS to the United Nations in Darfur, we will work closely with the African Union and all other stakeholders to take the matter forward. The transition itself will be a very difficult and costly exercise and will also require extensive logistical, human and financial resources. In the meantime, everything possible should be done to support and strengthen the existing AMIS operation and provide it with the necessary funding. In this regard, AU Commission Chairperson Konaré and I have agreed to convene a pledging conference for AMIS in the second half of February 2006.

35. The violence along the Chad-Sudan border has also exacerbated considerably the instability in Darfur and added to the frustrations surrounding the talks in Abuja. The escalation of tension along the border is a very disturbing development. As I

have stressed in previous reports, there is a strong correlation between the Darfur crisis and instability within Chad. The risk that transborder tribal ties could internationalize the conflict in Darfur has been a matter of concern for some time, and that risk has become all the more real since the defection of Zaghawa soldiers from the Chadian army, some of whom are now allegedly based in Darfur.

36. It is vitally important that the situation in the border areas of Chad and the conflicts in the Sudan do not combine to propel the two countries and the whole region towards confrontation and conflict. With mutual accusations and the increased concentration of troops on both sides of the border, the potential for an open confrontation between the two countries cannot be minimized. Such a conflict would have devastating consequences for populations in the area and would constitute a severe blow to efforts aimed at resolving the crisis in Darfur. I call upon the Governments of the Sudan and Chad to take immediate and resolute steps to diffuse the tensions along their common border. I welcome the initiative of the African Union to assist the two countries in mending their relations and I urge other Member States to appeal to and assist both Governments to resolve their differences peacefully.

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Security Council

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2 February 2006

Original: English

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1542 (2004) of 30 April 2004, which established the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH), and resolution 1608 (2005) of 22 June 2005, which extended its mandate until 15 February 2006. It covers major developments since my report of 6 October 2005 (S/2005/631); provides an outline of some additional tasks that the Mission might assume in the post-electoral period; and proposes a six-month extension of the present mandate in order to allow for further assessment of the situation once a new Haitian administration has taken office, and to permit the formulation of recommendations for a post-electoral strategy for MINUSTAH.

2. The Mission continued to be headed by my Special Representative, Juan Gabriel Valdés. Lieutenant General José Elito Carvalho Siqueira (Brazil) assumed the function of Force Commander, following the untimely death of Lieutenant General Urano Teixeira Da Matta Bacellar. As of 31 January, the total troop strength of the Mission stood at 7,519, while police strength stood at 1,777.

II. Political developments

A. Electoral process

3. During the reporting period, the main focus of the Haitian authorities and MINUSTAH was on ensuring the organization of credible and timely elections. However, the transitional authorities indicated that owing to technical reasons, the first round of elections, which had been scheduled for 8 January, would need to be postponed. A new electoral calendar was established on 7 January, in a decree by interim President Boniface Alexandre, according to which the first round of national elections would be held on 7 February; the second round would be held on 19 March; the new President would be sworn in on 29 March; and municipal and local elections would be held on 30 April. Prime Minister Gérard Latortue had announced earlier that while his Government would formally resign on 7 February, the constitutional date for the assumption of office by a new President, it would carry out ongoing business until a new Government took office.

4. This most recent postponement of the electoral calendar, which followed previous, similar delays, underlines the degree to which preparations for the elections continue to be complicated by a politically and technically fragile decision-making process in Haiti. Other difficulties during the electoral process included disputes emanating from the creation of a so-called "commission on nationalities", which recommended against several candidacies, including that of Dumarsais Siméus, presidential candidate for the political party "Tet Ansanm". On 8 December, the Supreme Court, which had already indicated that the candidacy of Mr. Siméus should be retained, refused a request by the Provisional Electoral Council to reverse this decision. On 9 December, the interim President ordered the retirement of five Supreme Court judges and nominated five others to replace them. The United Nations High Commissioner for Human Rights, Louise Arbour, expressed serious concern regarding this action and stressed the need for full respect for the separation of powers.

5. Technical and logistical arrangements have progressed, with the support of MINUSTAH and the Organization of American States (OAS) but are not yet complete. The voter registration process, in which OAS played a lead role, was concluded at the end of October, following a number of extensions that facilitated the registration of citizens in remote rural areas and such urban areas as Cité Soleil. MINUSTAH has assisted local authorities in planning and executing key tasks, including the distribution of electoral material and by providing support for the voting centre mapping exercise. At the same time, the Mission promoted acceptance by political candidates of the results of the future elections and agreement on basic political objectives that could be supported by a new Government and Parliament, in line with the electoral code of conduct that was signed on 14 June and the stability and governability pact of 27 September.

6. By the end of January, over four fifths of the national identity cards had been distributed and almost all of the voting centre supervisors had been recruited and polling workers identified. Additional tasks to be accomplished include distribution of the remaining national identity cards, training of poll workers and relocation of some voting centres, as requested by the political parties. While the new 7 February voting date is technically feasible, support by the Haitian authorities and all political actors and collaboration by the Provisional Electoral Council will be required to ensure resolution of remaining technical problems, continued availability of pay for electoral workers and maintenance of the voting centres so that no major changes are made to them. The preparations for the municipal and local elections, which are more complicated owing to the large number of positions involved (some 9,000) and the complexity of the ballot printing process (with approximately 700 districts), have yet to be finalized.

7. Notwithstanding the practical and political difficulties, the electoral process has helped to generate a broad level of political engagement, as noted in my previous report (S/2005/631, para. 15). The presidential elections are being contested by 33 candidates approved by the Provisional Electoral Council, following weeks of controversy over the eligibility of presidential candidates holding dual nationality, while parliamentary seats are being contested by 1,409 candidates. Given the registration of 45 political parties, representing a wide range of political opinion, and the registration of more than 3.5 million voters, elections could make an important contribution towards reconstitution of the political fabric of the country.

8. Further international engagement in the coming months will be indispensable to the success of the national, local and municipal elections, which can help consolidate democratic processes, promote the engagement of citizens in their own governance and support efficiency through decentralization.

9. The presence of international observers is important for ensuring credible elections, in particular given the concerns over possible links between political parties and armed groups, questions over the independence of electoral workers and technical issues that could impede voter access and the transparency of voting and tabulation processes. Several international electoral observer missions are currently in Haiti and have begun their observation tasks, including those organized through the International Mission for Monitoring Haitian Elections, an ad hoc umbrella grouping of international observers; the International Foundation for Electoral Systems; and the European Union. MINUSTAH maintains constant contact with these observers around the country though regular meetings and briefings and has agreed that, in addition to information sharing, it would provide logistical and security assistance, in case of emergency, as resources permit. By early December, observers of the International Mission for Monitoring Haitian Elections had been deployed to all 10 provinces.

10. Despite a generous donor response, the electoral process continues to require additional resources. The longer-than-anticipated electoral process, the need for more rapid execution to compensate for delays and the extreme technical limitations on the ground led to an increase in the budget, which now stands at $73.2 million for national, municipal and local elections, representing an increase of $12.4 million over the original budget. The funds made available to date (approximately $59 million) only cover elections at the national level (presidential and parliamentary); additional funding will be required for the municipal and local elections.

B. Other developments

11. The national dialogue process proceeded slowly, although the efforts of the 12-member Preparatory Commission resulted in the inauguration of a 30-member steering committee on 8 December. There was also little practical progress in advancing the decentralization process, and the legislation required to define the duties and responsibilities of local and municipal authorities is still being discussed at the regional level.

12. MINUSTAH supported Haitian governance capacity, working closely with the Ministry of the Interior in providing support to local institutions and fostering cooperation between citizens and local authorities in rural areas. The Mission facilitated the development and implementation of local projects through the quick-impact projects mechanism, which has been of significant value in strengthening relations with Haitian counterparts.

13. During the reporting period, the Haitian authorities sought to establish conditions by which to better manage security at the border, including by inviting the President of the Dominican Republic to conduct an official visit to Haiti on 12 December, where he met with interim President Alexandre and Prime Minister Latortue, as well as other members of the Transitional Government. As a result of that meeting, an agreement was reached on the reactivation of the Haitian-

Dominican mixed commission. At the same time, unrest created by street demonstrations during the visit suggested the continued potential for tensions.

C. Consolidation of democratic processes

14. The completion of the elections will only represent a first step in the political transition process and in the consolidation of democratic institutions. When the newly elected officials assume their positions, they will inherit weak state and local institutions that suffer from a lack of trained personnel and insufficient administrative infrastructure. The continued availability of capacity-building and material support from MINUSTAH and the international community will be essential. During the current period of fragility, MINUSTAH will also need to remain directly engaged to assist the new authorities in asserting their legitimacy and in promoting good governance at all levels, including through its presence throughout the country, and in continuing support for small-scale projects that can enhance the credibility of the officials. It would be particularly helpful for MINUSTAH to be in a position to provide advice at the policy level in the areas related to its mandate.

15. International assistance will be necessary to support the effective performance of central and local bodies, including the Parliament. Assistance could include training for newly elected officials, as well as parliamentary technical and administrative personnel, and basic material support. Once local elections have been held, there will be a need to provide advice and support to some 4,500 local and municipal government officials who will govern the 140 communes and 586 communal sections of the country. In addition, for the democratic process to take hold, further assistance will be needed to build the institutional capacity of a permanent electoral council. The creation of a permanent civil registry could allow for the continuous registration of eligible citizens, building upon the extensive registration undertaken so far. Bilateral support in all of these areas will be crucial and should be closely coordinated with related efforts by MINUSTAH.

16. The task of political rebuilding lies in the hands of the Haitian authorities and people and will need to continue under Haitian leadership. An inclusive approach after the elections will be essential. Further progress on the national dialogue would enable Haitian society to reach a common position on outstanding issues resulting from past political divisions and violence, and could help reinforce the legitimacy of the new administration. The appointment of leaders for the national dialogue process, who are representative of the political spectrum and are individuals of widely recognized integrity, could contribute to the constructive re-engagement of potentially violent elements. MINUSTAH would continue to assist this work as required, including through support for communication, while expanding its own outreach throughout the country.

III. Security and rule of law

A. Security and public order

17. During the reporting period, the overall security environment continued to be relatively stable in most of the country and some progress was also made in

promoting security in areas of Port-au-Prince where there had previously been problems, including the Bel-Air district. However, there was a significant decline in the security situation in other parts of the capital, such as Cité Soleil and the adjacent Route Nationale 1, during the month of December, and gangs remained active in such areas outside the capital as Artibonite and Ganaminthe.

18. There was a sharp increase in the number of kidnapping victims reported during the final months of 2005, although there may have been a decline in corresponding numbers at the beginning of 2006. According to figures compiled by MINUSTAH, 56 individuals were kidnapped in September, 63 in October and 74 in November; 241 individuals were reported kidnapped in December. Two OAS advisers were among those kidnapped, although they were released relatively shortly thereafter. Meanwhile, in the provinces, a confrontation in Gonaïves on 19 October, between armed gangs and the Haitian National Police, led to arson, looting and the death of two people over the course of three days. Haiti's porous land and sea borders continued to facilitate such criminal activities as illegal arms and drugs trafficking.

19. MINUSTAH continued to play a pivotal role in providing security and stability in the country, drawing on its strengthened capacity, as authorized in Security Council resolution 1608 (2005). The MINUSTAH military component reached its full strength with the deployment of an additional battalion in October, followed by the deployment of a company in December. The Mission's police component also neared its authorized strength with the deployment of an additional formed police unit at the end of November. Six of the eight formed police units are deployed in Port-au-Prince, with the other two in Gonaïves and Cap Haïtien.

20. Several successful operations were mounted by MINUSTAH in cooperation with the Haitian National Police, which resulted in the rescue of a number of kidnapping victims. Cordon and search operations in Bel-Air by MINUSTAH troops resulted in the detention of a number of suspected gang members who were handed over to the national police. Normal community life in the area has largely resumed, although humanitarian and development activity remains limited. MINUSTAH conducted a number of operations in the Pele and Cité Militaire districts of the capital, where gang-related activities in December included the targeting of MINUSTAH patrols and checkpoints. MINUSTAH is also increasing its military presence along Route Nationale 1, which has been the location of a number of kidnappings.

21. Although voter registration was successfully carried out in Cité Soleil from 6 to 22 October, the security situation there remains difficult and gangs that are shielded by a supportive or coerced community continue to attack peacekeepers. Most MINUSTAH troops deployed in Port-au-Prince initially undergo specific induction and familiarization training but many lack experience in urban security operations. Furthermore, MINUSTAH continues to lack tactical information that would enable it to effectively identify and apprehend criminal elements. While the establishment of the Joint Mission Analysis Cell and the enhancement of the joint operations cell have proven beneficial in supporting MINUSTAH operations, the Mission remains reliant upon information provided by the Haitian National Police or volunteered, for a variety of reasons, by the public. Meanwhile, specialized military engineering equipment is currently being sought for security operations in Cité Soleil.

22. Effective promotion of stability in Cité Soleil will require supplementing security activities with developmental and humanitarian efforts, which can palpably improve conditions in the area and provide opportunities for progress. MINUSTAH peacekeepers have carried out a variety of humanitarian activities within their limited means, including providing food, water, clothing and school materials; cleaning and repairing roads; and conducting medical evacuations. Nevertheless, much more needs to be done by the international community and its partners to consolidate stability.

23. Efforts to stabilize the situation have carried a grave cost to MINUSTAH peacekeepers. Checkpoints in and around Cité Soleil are targeted with increasingly sustained and coordinated gunfire. During the reporting period, MINUSTAH military and police have been targeted, suffering five fatalities and a number of injuries in a series of attacks in Port-au-Prince, in the vicinity of Cité Soleil. In addition, two military peacekeepers were injured in an ambush on 16 December in Plaisance, located between Cap Haïtien and Gonaïves. This was the first attack against MINUSTAH personnel outside of Port-au-Prince since March 2005.

24. At a time when there continues to be a potential for unrest in the country and the capacity of the Haitian National Police continues to be severely limited, substantial international assistance remains indispensable. The current configuration of troops, formed police units and individual police officers, as authorized under Security Council resolution 1608 (2005), appears adequate to maintain basic security at this point in time. However, stability during the elections could be enhanced if one or more Member States indicated their readiness to back up the capabilities of MINUSTAH during the electoral period, as suggested in my previous report (S/2005/631, para. 65). Bilateral assistance would also be crucial to enable the current and future Haitian leadership to respond to the issue of drug trans-shipment, which presents a potentially serious threat to the country's stability and development. Further efforts may also be required to enhance control along land and sea borders, and to improve situational awareness. The structure and composition of MINUSTAH forces will remain under review in the light of the situation on the ground and the evolution of likely threats.

25. Notwithstanding the increasing collaboration between the Haitian National Police and MINUSTAH leadership, it is essential to strengthen cooperative mechanisms so as to avoid the risk of uncoordinated activities. This could be supported through clarification of procedures, articulated in a legal arrangement that supplements the status-of-forces agreement. These procedures recognize that the command and control of international and Haitian security bodies remain separate and distinct at all times. At the same time, they stipulate that my Special Representative, following consultation as required with Haitian authorities and taking into account the development of the Haitian National Police, will determine which tasks are appropriate for international forces and which are better suited to Haitian capacity. No actions would be taken by the Haitian National Police without coordination with MINUSTAH. In addition, the agreement will clarify arrangements for reform of the Haitian National Police, as described below.

B. Disarmament, demobilization and reintegration

26. Despite earlier progress made in setting up the institutional framework for disarmament, demobilization and reintegration, the conditions for comprehensive disarmament remain elusive, with inadequate national commitment to reconciliation, limited progress on security sector reform, lack of clarity on the future status of the former military and limited job creation, and large numbers of weapons remain in circulation. MINUSTAH, in conjunction with the National Commission on Disarmament, has helped to establish community violence reduction and development committees in some of the volatile districts of Port-au-Prince, including Bel-Air, and has followed up with disarmament and reinsertion efforts where opportunities exist. An initial group of 14 disarmed gang members entered the Reintegration Orientation Centre on 11 November, followed by a group of 18 in mid-December.

27. An initial group of 15 former military personnel formally entered the disarmament process on 20 October. During the reporting period, the Office for the Management of Former Military Personnel made the second of three scheduled indemnity payments to members of the former military.

28. A modus operandi for negotiations with armed groups and eligibility for the disarmament, demobilization and reintegration process has been developed in collaboration with the National Commission for Disarmament and has been presented to the Conseil supérieur de la police nationale. Reintegration of members of armed groups could be promoted by development of alternatives to processing through the justice system, including national reconciliation mechanisms, such as limited forms of amnesty. In the interim, MINUSTAH is working with the Transitional Government to prevent participants in the disarmament, demobilization and reintegration programme from being prosecuted for the illegal possession of weapons surrendered, unless the participants are associated with a specific crime.

C. Haitian National Police reform and restructuring

29. Professional, technical and logistical shortcomings continued to inhibit the effectiveness of the Haitian National Police and limit public confidence in it. While significant progress has been made under the Haitian National Police Director General, Mario Andrésol, there are elements within Haiti who do not fully support the reform of the police. The potential for resistance to reform measures was made clear by the response to the arrest on 4 November of two senior national police officers for alleged obstruction of the investigation into the killings that took place in Martissant on 20 August (S/2005/631, para. 36). A series of small demonstrations were staged against the Director General and several MINUSTAH vehicles were spray-painted with slogans. MINUSTAH and the Core Group issued a joint communiqué in Port-au-Prince reaffirming their commitment to the reform of the Haitian National Police and expressing support for the efforts of Mr. Andrésol, including the prompt investigation of the Martissant killings.

30. Several joint bodies were established, including a steering committee, co-chaired by the MINUSTAH Police Commissioner and the Haitian National Police Director General, that would oversee progress in the implementation of reforms and would promote coordinated requests for donor funding. Joint MINUSTAH and

Haitian National Police planning teams were also established to identify areas for development, coordinate and give direction to development initiatives, and promote their implementation. A model police station project has developed to establish a police presence in neglected areas and to renovate and equip police stations nationwide. As part of the project, technical advisers have been co-located in 50 main police stations throughout Haiti.

31. These initiatives will be brought into line with a Haitian National Police reform plan, as requested by the Security Council in resolution 1608 (2005). Various assessments have been made but a single document has not yet been endorsed that would include the anticipated size, standards, implementation timetable and resources required for the new force. Building on an initial proposal for a basic police capability of 7,000 officers and drawing on a number of blueprints that have already been developed, this plan will prioritize the development of such institutions as the Office of the Inspector General, which can assist in ensuring professional values within the national police. The blueprint will also provide assistance to the incoming administration in its assessment of an appropriate security structure for the country, including with respect to the areas of organized crime and coastal and border security.

32. In order to provide the basis for a comprehensive reform process, MINUSTAH has been working with the Haitian National Police authorities to register police officers currently on the ground. This process, which entails identifying the individuals who are currently serving and the serial number of their weapons, can help clarify current police capabilities and provide a baseline for future development efforts. By the end of January, 4,492 national police officers and staff had been registered. A class of 778 national police officers completed training at the Police Academy on 20 September and were deployed in Port-au-Prince in early October. Some 38,836 Haitian citizens applied for admission to the next class of officers, which will enter the Academy in February 2006. Successful candidates will benefit from a revised and strengthened police curriculum, drawing on advice from MINUSTAH.

33. Haitian National Police reform will be further promoted by MINUSTAH through a certification programme for individual officers and units within the national police. It is envisaged that the Mission would issue provisional certification, which would be valid for an initial period of 12 months, to those officers now serving on the ground. The provisional certification would be renewable based on the officer's observance of the necessary standards, as well as on satisfactory results from vetting. In accordance with Security Council resolutions 1542 (2004) and 1608 (2005), recommendations by MINUSTAH would be implemented by the Haitian authorities, who remain responsible for all personnel decisions and would ensure that individuals without certification will not serve in the Haitian National Police. This process will culminate in the final certification of officers, units and ultimately the Haitian National Police as a whole, when the institution has reached the level of capacity at which ongoing monitoring is no longer required. Continued constructive cooperation by the Haitian National Police at all levels, as well as political support from Haitian authorities, is essential for effective reform and the development of a competent, professional police force.

34. The increased pace in police development will bring corresponding demands on MINUSTAH in terms of vetting, training and mentoring activities, which may

exceed current capacities within the Mission. The Mission will also need to supplement its efforts on the ground by deploying strategic-level advisers to the Haitian National Police and within the Office of the Inspector General in order to promote good management and adequate budgetary procedures. The implications for the Mission of these additional tasks will be reviewed in the coming months. In addition, bilateral contributions will be essential to meet logistical and resource needs and should be closely coordinated with the MINUSTAH capacity-building programme in order to ensure an effective use of resources.

D. Justice and corrections

35. The professionalization of the Haitian National Police will be sustainable only if it is accompanied by comprehensive progress in the justice and corrections systems. A wide-ranging review of the two systems, conducted by MINUSTAH in accordance with the request of the Security Council in resolution 1608 (2005), has highlighted a number of serious weaknesses that carry important implications regarding respect for human rights, security and political stability.

36. Based on MINUSTAH findings, many legal cases are not being addressed in conformity with international standards. The few court decisions rendered are rarely executed. The court system is not accessible to many Haitians owing to great distances between courts and the lack of human and material resources, public information or a legal aid system. Throughout the country, justice appears arbitrary and citizens cannot count on the fair and impartial application of the law.

37. Corruption appears to undermine confidence in the legal system at every level. In addition, an excessive dependence on the executive branch undermines its credibility. The Ministry of Justice controls judicial appointments and job tenure, exercises administrative supervision, determines the distribution of human resources and material support and makes all budgetary decisions. These problems are exacerbated by the lack of legal provisions relating to the status of judges, the body that appoints them and the management and disciplining of the judicial corps. Further concerns were raised by the interim President's order that five Supreme Court judges retire and his immediate nomination of five replacements (see para. 4 above). These decisions were followed by a seven-week strike of the magistrates organized by local associations of magistrates.

38. The dire situation of prolonged and arbitrary detention is the most urgent manifestation of the problems affecting the Haitian legal system. As a result of the poor performance of courts and judges, the prison system is becoming steadily more overcrowded as more people are being arrested and incarcerated and their cases not being dealt with in due time. As of 16 January, more than 90 per cent of the more than 3,700 detainees nationwide, whether accused of major crimes or minor offences, are in pretrial or preventative custody. The increasing numbers of detainees within an inadequate infrastructure, including the National Penitentiary with 1,900 inmates, presents urgent security and human rights concerns. There is a risk that this could be exacerbated, paradoxically, by increased police efficiency.

39. An ad hoc detention commission was created by the Minister of Justice in July 2005 to deal with the issue of pretrial detention. However, that body, whose functioning was not subject to independent monitoring, was apparently unable to make a significant impact and it has not been in operation since late September

2005. Meanwhile, MINUSTAH, working with prison management in Port-au-Prince, established a list of 458 pretrial detainees who are charged with relatively minor offences and whose cases can be considered for conditional release; this has paved the way for the release of some 55 detainees. It is urgent that national authorities redouble their efforts to find an immediate solution for the unacceptable prevalence of pretrial detentions, drawing as required on technical support from MINUSTAH.

40. The assessment of MINUSTAH suggests that longer-term enhancement of judicial and corrections capacity will require Haitian action to strengthen the structural and legal underpinnings of the judicial system. On 28 December 2005, the Transitional Government adopted a decree on the Superior Council of the Judiciary, which, while presenting some shortcomings, has the merit of establishing a judicial inspectorate and disciplinary measures for magistrates. It is also essential that laws be adopted on the statute of the magistrates and the school of magistrates.

41. At the same time, progress will require an extended programme of international assistance to enhance the professional capacity of the judiciary and other actors in the legal system. This could take the form of a structured and focused programme that would combine academic and on-the-job training, and which could also reduce the risk of a renewed rise in prolonged detentions by enhancing the flow of cases through the legal system. One element in such a programme could be the incorporation of appropriately qualified experts within MINUSTAH, who could serve as a professional resource for judicial actors in such areas as the prosecutor's office, the office of investigating judges and trial judges, while continuing ongoing efforts to provide assistance for the development of a legal aid programme in conjunction with national and regional bar associations.

42. Further proposals along these lines could be developed for the consideration of the Security Council, drawing on discussions with the new Haitian authorities, whose full support will be indispensable to their success. Such efforts within the Mission would need to be supplemented with bilateral assistance, which will be indispensable in meeting necessary material and logistical requirements for the refurbishing of judicial and corrections premises, and could also support additional, specialized training programmes.

IV. Human rights

43. During the reporting period, respect for the human rights of the Haitian population continued to fall short of acceptable standards, with the absence of independent and effective rule of law institutions being a major factor. In parts of Port-au-Prince in particular, as well as in Artibonite, the north-east and elsewhere, armed gangs continued to be responsible for killings, kidnappings, armed robberies, extortion and harassment. Mob violence, including lynchings and the destruction of property, remained a widespread problem and was frequently not curbed effectively by law enforcement and judicial authorities.

44. MINUSTAH documented several incidents of summary executions perpetrated by Haitian police officers or vigilante groups with connections to police elements, but follow-up to those incidents has been unsatisfactory. While some police officers were arrested in connection with the 20 August killings in Martissant, members of a vigilante group that appeared to be involved were released without charge, and the formal indictment and prosecution of the alleged perpetrators had not taken place by

21 January. In the north, MINUSTAH documented a summary execution in Grande Rivière du Nord in October 2005 but, despite evidence brought to its attention, the Haitian National Police failed to open investigations into the matter. Following investigations, active police involvement was documented in cases of apparent mob killings in the Solino and Bel-Air areas of Port-au-Prince and the reports were brought to the attention of the Haitian authorities, but again no action was taken. The Haitian National Police has also failed to take measures to address cases of torture and ill-treatment in police custody and to punish the perpetrators.

45. Former Prime Minister Yvon Neptune and former Minister for the Interior Jocelerme Privert have each remained in detention for more than 17 months. Their trials have not yet been planned, although they could in principle be eligible for provisional release. Annette Auguste, also known as Sò Ann, has been imprisoned without charges since May 2004. Meanwhile, Father Gérard Jean-Juste, who had been imprisoned in July 2005, was only recently indicted on charges of illegal possession of weapons and criminal conspiracy. On 29 January, Father Jean-Juste was released from the annex of the National Prison for urgent medical treatment in Miami. He is required to return to Haiti after treatment to face his charges, which have been appealed by his lawyers.

46. Mr. Louis Joinet, the independent expert on the situation of human rights in Haiti, visited the country in November 2005 to assess the current human rights situation. His report will be presented at the sixty-second session of the United Nations Commission on Human Rights, in late March 2006.

47. Development of the protection of human rights requires a comprehensive approach, combining legal reforms, institutional strengthening, civic education and support for local rights organizations. It is therefore inextricably linked with the efforts of MINUSTAH to promote security and the rule of law and to enhance the capacity of Haitian institutions, including the Haitian National Police. MINUSTAH has already provided specific training to national police officers in Port-au-Prince, Jacmel, Les Cayes, Gonaïves and Jérémie on international human rights law and the Haitian judicial system, and will continue to offer such instruction. Civic education activities have also been developed by MINUSTAH in the provinces, working in close cooperation with local non-governmental organizations. As in other areas of the MINUSTAH mandate, progress will depend upon close cooperation among MINUSTAH, the Haitian authorities and bilateral actors.

Child protection

48. MINUSTAH and the United Nations Children's Fund (UNICEF) initiated a campaign aimed at political parties and civil society representatives to include child protection in the political agendas of candidates in the elections. In order to facilitate disarmament and the reintegration of children associated with armed groups, notably in Cité Soleil, MINUSTAH, together with UNICEF and local partners, is advocating the development of transitional justice mechanisms to complement Haitian criminal law, including a measure of conditional amnesty for such children. Current Haitian criminal law does not allow for the disarmament without punishment of children recruited by armed gangs.

Gender

49. Following its activities to promote the participation of women in the electoral process, MINUSTAH intensified its work on violence against women, through its participation as a member of the National Coordination Committee on the Prevention of Violence against Women. The purpose of the work is both to strengthen prevention and to develop a range of activities to fight violence against women, with the aim of consolidating local capacities. According to a recent analysis of statistics provided by local institutions, there has been an increase in the number of women and girls received by the institutions, in particular in 2004 and 2005. In particular, the data indicate that a large number of rapes have been carried out under the intimidation of weapons, there has been a high occurrence of gang rapes and that as much as 50 per cent of the rape victims have been minors. However, it seems that few cases of violence are reported to the justice and security sectors owing to a lack of confidence in the justice system and fears of retribution, thus resulting in impunity.

V. Humanitarian and development situation

50. While progress towards addressing the political, security and rule-of-law challenges outlined above constitute crucial benchmarks for the return to normality in Haiti, many humanitarian and development needs must be effectively addressed to achieve and consolidate lasting stability. While security challenges continue to hamper normal economic activities and effective humanitarian and development assistance, the limited economic opportunities that exist exacerbate the risk of violence and provide a motive for criminal activity.

Humanitarian situation

51. During the period under review, Haiti suffered four natural disasters of varying intensity, resulting in the deaths of 24 people, with five persons still missing. Hurricane Wilma and Tropical Storm Alpha were responsible for most of the casualties and for causing severe damage to houses, schools, infrastructure and agriculture. Additional assistance is needed to help some 300 families to rebuild their houses and to help fishermen in the coastal area in the south who lost their means of subsistence. The coordinated efforts of national authorities, MINUSTAH and non-governmental organizations, within the framework of the inter-agency contingency plan for natural disasters, helped minimize the loss of life and property through pre-emptive actions and immediate relief assistance. Meanwhile, efforts to tackle the effects of the drought in 2005, which was exacerbated by Hurricanes Dennis and Emily, progressed in the mountainous areas of the south. The distribution of agricultural goods benefiting some 31,000 families was organized by the Food and Agriculture Organization with funding from the European Union. The humanitarian assistance community also provided support, in particular in the towns of Ouanaminthe and Belladere, in the wake of repatriations across the border.

52. In Gonaïves, the physical rehabilitation of 50 schools was completed, with the support of UNICEF. More than 40,000 children received books; 800 teachers were trained in health education and children's rights; and 80 schools received furniture. In addition to activities to address the chronic deficiencies of the health system, the World Health Organization rehabilitated the four main hospitals in the country

(three in Port-au-Prince and one in Petit Goâve), establishing emergency and operating wings and supporting the training of personnel.

53. In November, the Office for the Coordination of Humanitarian Affairs, in close cooperation with MINUSTAH and United Nations agencies, created a humanitarian information portal (http://www.hahin.org), which allows for collection, analysis and dissemination of key humanitarian information for a more effective response and coordination of humanitarian assistance to affected populations.

Development and the Interim Cooperation Framework

54. The international community has made generous commitments to Haiti and significant funds have already been made available. Sixteen months after the Washington Conference of July 2004, the Transitional Government reported having received disbursements of approximately $600 million, representing 43 per cent of the original pledges made. However, further efforts will be essential to promote the tangible economic progress that can foster stability. In a country where annual per capita income remains at $1,742, and which is ranked 153 out of 177 countries in the 2005 Human Development Index, the economic opportunities tied to the transshipment of drugs continue to represent a significant destabilizing factor and there is a continuing risk of corruption.

55. At the donor conference held in Brussels on 20 and 21 October 2005, during which the international community reconfirmed its commitments, it was decided that the time frame for the Interim Cooperation Framework would be extended from September 2006 to the end of 2007. The extension would allow the new Government time to evaluate the resources required to continue with the reforms, to ensure that there is no interruption in the provision of development support during the sensitive post-electoral period and to prepare its national poverty reduction strategy. While additional funding for such an extension will be mobilized through an international donors conference in the third quarter of 2006, an interim poverty reduction strategy paper is already being prepared to facilitate access to concessional financing from international financial institutions, under the Growth and Poverty Reduction Facility of the International Monetary Fund, and to debt relief, under the programme for the heavily indebted poor countries of the World Bank.

56. It will be important for the international community to make a special effort to meet the needs of the new authorities during the first six months of their tenure in order to address urgent needs and thereby foster a tangible improvement in the living conditions of the Haitian population. Assistance can include the provision of basic medical, educational and agricultural supplies and supporting small-scale infrastructure projects that can generate short-term employment. It could also include helping the new authorities to obtain the minimum material requirements to transact business with citizens of the country. Such support would complement the capacity-enhancement and institution-building efforts undertaken by MINUSTAH, including through its mechanism for quick-impact projects.

HIV/AIDS

57. During the reporting period, 1,287 MINUSTAH personnel were given awareness training on HIV/AIDS and 67 people sought voluntary counselling and testing. In addition, 345 personnel of United Nations agencies were trained in the

United Nations Learning Strategy on HIV/AIDS, and some 45 Haitian National Police officers were provided with peer leadership training. In connection with World AIDS Day on 1 December 2005, a series of community outreach activities were conducted, including the training of former gang members and their families on HIV/AIDS prevention and treatment, awareness training for 481 Bel-Air community members, allocation of television spots with a message on HIV/AIDS from the senior leadership of MINUSTAH and heads of United Nations agencies, as well as the distribution of T-shirts with the 2005 World AIDS Day message "Stop AIDS — Keep the Promise".

VI. Mission support

58. The renovation of the Mission headquarters has been completed and MINUSTAH has erected facilities for the expanded force elements, including the Force Commander's Reserve. Renovation and rehabilitation work has been completed on 22 of the 50 police stations where MINUSTAH police officers and Haitian National Police personnel will be collocated. The Mission has also established a Re-insertion Operation Centre for DDR at Croix-de-Bouquet and has undertaken further expansion of the facilities.

VII. Financial aspects

59. By its resolutions 60/18 of 23 November 2005 and 59/17 B of 22 June 2005, the General Assembly appropriated a total amount of $516,488,500, equivalent to $43,040,708 per month, for MINUSTAH for the period from 1 July 2005 to 30 June 2006. Should the Security Council decide to extend the mandate of MINUSTAH beyond 15 February 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the General Assembly.

60. As at 30 November 2005, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $135.3 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,988.3 million.

61. As at 30 November 2005, amounts owed to troop and formed police contributors to MINUSTAH totalled $9.8 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to 31 October 2005 and 30 September 2005, respectively, in accordance with the quarterly payment schedule.

VIII. Observations

62. The challenges involved in stabilizing Haiti may appear daunting, including the risks facing MINUSTAH personnel on the ground. However, this should not obscure the advances that have been achieved, nor should it weaken international commitment to addressing the complex tasks that lie ahead. Significant progress has been made in laying the basis for an inclusive democratic transition, at a pace that seemed unlikely a year ago. While violence and criminality within Port-au-Prince have generated significant levels of public concern, most of the rest of the country has experienced a relatively high level of security. This progress shows how much

can be accomplished if the people and leadership of Haiti seize the opportunity provided by the deployment of a United Nations peacekeeping operation, and if the international community remains committed and ready to provide the wide-ranging and coordinated assistance that is needed.

63. During the coming months, the electoral process will bring particular demands on the Haitian leadership and on the international community. It is essential that the Haitian authorities complete the remaining practical preparations to support free, fair and transparent elections, and that every effort be made to encourage public participation. The success of the electoral process and the prospects for future progress will also depend upon a restrained and responsible approach by political candidates and their constituencies, regardless of the outcome of the polls. At the same time, MINUSTAH and the international community will need to work closely with local authorities to support this logistically difficult process and to facilitate the work of international observers, whose contribution will be indispensable.

64. MINUSTAH will make further, concentrated efforts to curb criminality and violence within the country, in particular in the capital, at a time when perceptions of insecurity could have a disproportionate impact on public confidence. Stability during the elections period could be further enhanced by one or more Member States undertaking to provide back-up support, if required, during the electoral process.

65. In the longer term, Haiti's security will require reform and strengthening of the Haitian National Police. The establishment of a professional and effective police service will require sustained involvement by the international community for a number of years. Achievement of this goal is a prerequisite for Haiti's stability, and the country will not be in a position to maintain its own security unaided until this process is complete. The conclusion of a legal arrangement between MINUSTAH and the Haitian authorities, which clarifies the practical basis for collaboration with the Haitian National Police, can promote effectiveness in reform, as well as in operations. At the same time, the registration of national police officers, which should be completed in the coming months, can lay a baseline for further progress. The work of reform is expected to gather pace in the coming months and may bring demands that would exceed the present capacity of MINUSTAH. Technical assistance aimed at the strengthening of rule-of-law institutions could be more effective if it is supplemented by inclusion within MINUSTAH of a capacity to provide policy-level advice to related ministries.

66. Reform of the Haitian National Police should be complemented and reinforced by efforts to address shortcomings in the judicial system. It is vital that the current and future national authorities, drawing as required on technical support from MINUSTAH, find a swift solution to the high level of prolonged pretrial detentions; the continuation of this situation is unacceptable from a human-rights perspective, and would also have serious implications for the country's security and stability. Meanwhile, the strengthening of Haiti's judicial system requires the adoption of legal reforms by the Haitian authorities and a systematic, internationally-supported programme of professional capacity-building, combining academic and on-the-job training. This programme could include the incorporation of appropriately qualified experts within MINUSTAH, who would serve as a professional resource for judicial actors in the offices of the prosecutor, investigating magistrates and trial judges,

while continuing to provide assistance for the development of a legal aid programme in conjunction with national and regional bar associations.

67. The installation of an elected Government will usher in a new phase in Haiti's transition to a stable democracy. It will be essential that the incoming leadership show strong commitment to reconciliation and an inclusive approach. Haiti's political and institutional progress will require sustained commitment to promoting key democratic values, including promoting national dialogue; respect for the independence of the judiciary and an impartial, professional civil service and police; and full commitment to human rights.

68. If the new administration is to be successful, it will require continued international institution- and capacity-building at all levels in the longer term. Just as enhanced security can facilitate economic and social development, some immediate improvement in social and economic conditions can make a crucial contribution to stability. It is hoped that the fruits of the Interim Cooperation Framework process will become clearly visible in the coming months and that this can be supplemented by targeted assistance to the new authorities in meeting basic needs in such areas as health and education, agriculture, and job creation.

69. In these circumstances, I recommend that the Mission be continued in its present configuration for a period of six months, to permit time for further consultation and assessment regarding its role in a post-electoral environment. Recommendations in this regard would be developed and presented to the Security Council in a further report, which would be issued well in advance of the end of the next mandate, which begins on 15 February 2006.

70. I am grateful for the continuing engagement of those Member States contributing troops and police personnel to MINUSTAH, as well as to the members of the Core Group and to other organizations, agencies, contributors and donors, for their invaluable political and practical support in the implementation of the MINUSTAH mandate. I call upon them to continue to provide strong support to MINUSTAH and to our common efforts in Haiti. The challenging period ahead will require the international community's full engagement so as to enable Haiti and MINUSTAH to achieve their goals.

71. I would like to extend my appreciation to my Special Representative, Juan Gabriel Valdés, and to the military, police and civilian personnel of MINUSTAH for their dedication and commitment to the values and objectives of the United Nations and their outstanding work in carrying out their tasks, often in challenging circumstances.

72. Finally, I would like to pay tribute to the memory of the late Force Commander, General Bacellar, and of all the peacekeepers who lost their lives in the service of peace during the reporting period. Their sacrifice will not be forgotten.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 31 January 2006)

Country	*Staff officers*	*Troops*	*Total*
Argentina	9	559	568
Bolivia	4	—	4
Brazil[a]	22	1 200	1 222
Canada	6	—	6
Chile	8	534	542
Croatia	1	—	1
Ecuador	1	66	67
France	3	—	3
Guatemala	5	82	87
Jordan	23	1 494	1 517
Malaysia	1		1
Morocco	4	164	168
Nepal	8	779	787
Paraguay	3	—	3
Peru	7	204	211
Philippines	2	190	192
Spain	2	200	202
Sri Lanka	12	949	961
United States of America	4	—	4
Uruguay	11	961	972
Yemen	1		1
Total	**132**	**7 382**	**7 519**

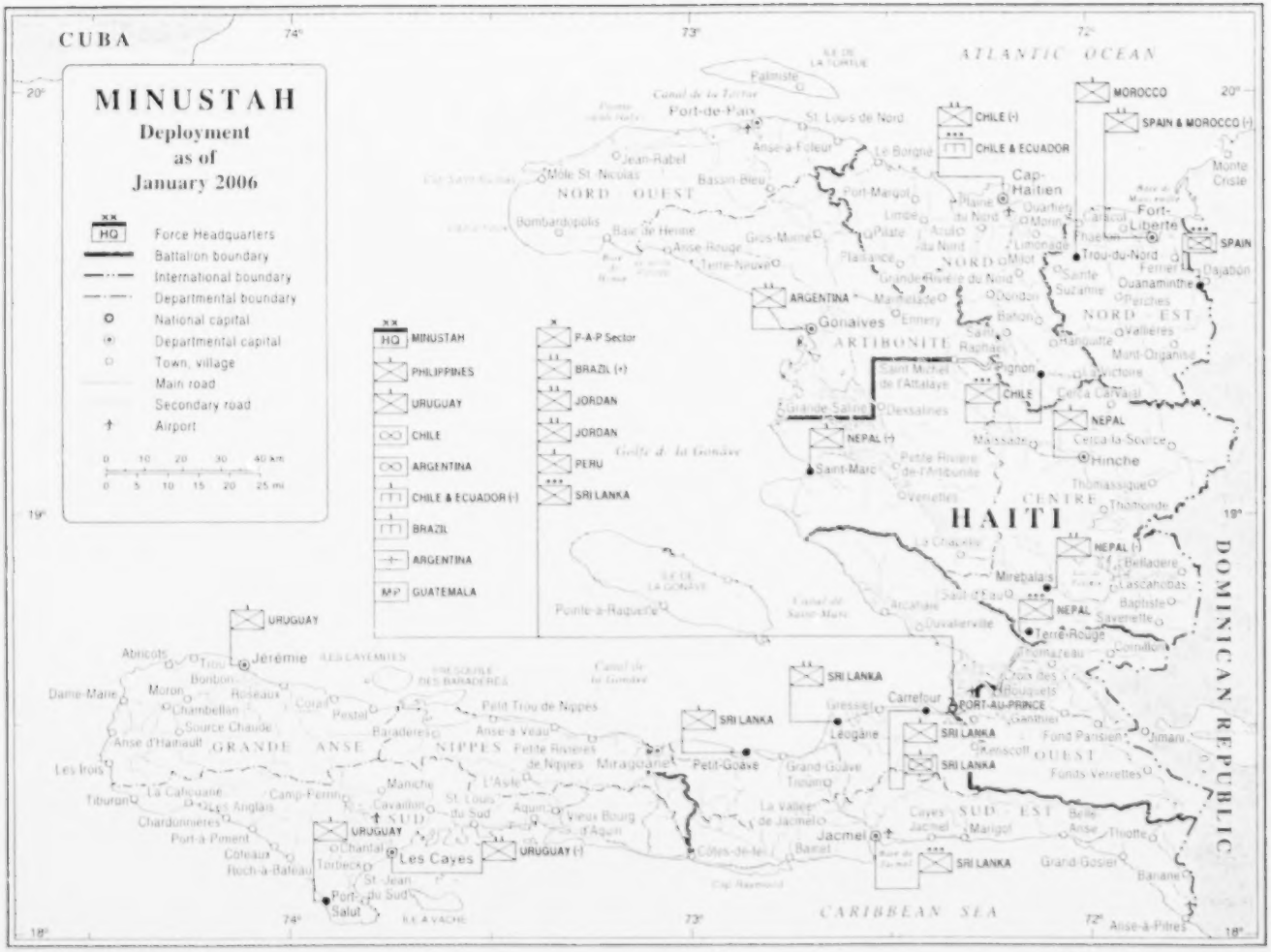
[a] Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing civilian police officers and formed police units (as at 31 January 2006)

Country	*Civilian police officers*	*Formed police units*	*Total*
Benin	29	—	29
Bosnia and Herzegovina	7	—	7
Brazil	5	—	5
Burkina Faso	88	—	88
Cameroon	42	—	42
Canada[a]	118	—	118
Chad	19	—	19
Chile	24	—	24
China	9	125	134
Egypt	12	—	12
El Salvador	7	—	7
France	79	—	79
Ghana	25	—	25
Guinea	39	—	39
Jordan	4	290	294
Mali	13	—	13
Nepal	13	125	138
Niger	20	—	20
Nigeria	10	125	135
Pakistan	–	250	250
Philippines	29	—	29
Romania	4	—	4
Russia	8	—	8
Senegal	44	85	129
Sierra Leone	7	—	7
Spain	23	—	23
Togo	9	—	9
Turkey	15	—	15
United States of America	50	—	50
Uruguay	6	—	6
Vanuatu	3	—	3
Yemen	2	—	2
Zambia	12	—	12
Total	**777**	**1 000**	**1 777**

[a] Including the Police Commissioner.



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